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Dissecting AT&T’s Arguments against Net Neutrality Regulations[[1]](#footnote-1)

 On April 26, 2010, AT&T took the opportunity to file a 176-page document refuting the claims of many Net Neutrality regulation proponents. In the document, AT&T lays out its reasoning against the arguments of Google, Free Press, Public Knowledge, and others. AT&T believes that regulations laid out in the FCC’s *Preserving the Open Internet* NPRM would be overly strict, would harm private investment, and would address problems which are only theoretical.[[2]](#footnote-2) In laying out its arguments, AT&T uses many of the techniques that Bruno Latour identified in Science in Action, including all three types of rhetoric, citations, and stacking.[[3]](#footnote-3)

 Although Bruno Latour’s Science in Action focuses on the work of scientists and engineers, lawyers and others who work in the field of public policy use similar techniques to build arguments and convince others to believe their arguments. In fact, scientists likely adopted these techniques from politicians and lawyers. Well written public comments do not simply advocate a position, but they must attempt to argue what is in the best interest of the public. For example, AT&T cannot simply say that they oppose net neutrality because it would cause them to lose money. Instead, AT&T must say that because they will lose money, networks will not be as built up as they would be otherwise, which would be a worse outcome than what proponents argue should occur. For example, more built-up, but prioritized, networks are better for consumers than older, but neutral, networks.

AT&T uses a variety of techniques to build their argument. First, AT&T provides an overview of the goals of the controversy. AT&T is already building an argument by choosing which goals to include. Rather than focus on the specific goals of a neutral internet, AT&T talks about the goals of a healthy broadband market.[[4]](#footnote-4) AT&T uses other FCC documents, such as the *National Broadband Plan* to build the argument that net neutrality regulation is a “distraction” from other important FCC policies, such as broadband penetration and meeting social objectives of the Obama administration.[[5]](#footnote-5)

AT&T also uses citations of other parties to support their argument. AT&T realizes that they do not have much creditability to members of the general public because they have a large financial stake in the outcome of net neutrality regulations. Because of their large financial stake, AT&T cannot objectively talk about the public good. Instead, AT&T uses pages 2, 3, and 4 of their filing to cite various individuals, industry groups, and foreign government’s papers, positions, and policies. AT&T even attaches papers written by university professors and economists to its filing with the FCC.[[6]](#footnote-6) Throughout the filing, AT&T usually dedicates between a quarter and a half of each page to footnotes which cite other papers and filings. For some footnotes, AT&T adds its comments or calls out the relevant section of each document. Later documents can then build on this document by citing AT&T’s filing.

In their actual arguments, AT&T uses a variety of rhetorical devices to make its arguments. We’ve previously discussed *ethos*, or using the creditability of various independent scientists, economists, and companies to support their arguments. AT&T also attacks the credibility of net neutrality regulation supporters. For example, on page 23, AT&T quotes Harvard professor, and “the father of net neutrality,” Larry Lessig who predicated in 2001 that the move from open-access dial up lines to closed-to-competitors broadband lines would cause the internet to “collapse […] quickly and profoundly.” AT&T claims that the move to broadband has not “destroy[ed]” the “egalitarian vision of the Internet”, but has strengthen it, without needing additional regulation.

AT&T uses *pathos*, or emotional appeal, to support their argument. AT&T uses applications of the internet that have social good, such as health care, to support its position that some applications might need prioritization.

And the market is also exploding with new Smart Grid, healthcare, emergency-response, and a variety of other services that should qualify as “managed” services under any definition of the term. These services are not, as Free Press believes, lurking future menaces. They are widespread today, inarguably proconsumer, and indispensable to this Administration’s key social objectives. Banning or prescriptively regulating these services, as Free Press and others propose, would be a colossal mistake. [[7]](#footnote-7)

Although net neutrality advocates raise serious questions about how this prioritization would occur, or how it would be allocated, such as by paying a fee, AT&T ignores these issues and pulls on the heartstrings of the reader by arguing health care data or emergency calls should be prioritized over movie reviews.

AT&T uses mostly *logos*, or reasoning, to build its arguments. As discussed earlier, AT&T must show that net neutrality regulations are not in the public interest. One of AT&T’s arguments is that net neutrality would provide a disincentive towards investing in new networks. AT&T quotes a FCC estimate that the deployment of ultra-fast broadband to all corners of the United States would cost $350 billion. AT&T argues that with the *National Broadband Plan* advocating the use of private capital, a return on that capital must be expected. It uses a paper by Bernstein Research, to discuss the costs of Verzon’s new fiber-to-the-premises system, FiOS.[[8]](#footnote-8) The paper built a model of the costs and revenues from the Verizon’s FiOS deployment. It found costs of about $4,000 per subscriber, but a present value of incremental contribution, including cost savings, incremental revenues, and avoided capital spending, of approximately $3,200 per subscriber. As the AT&T filing quotes from a UBS report, “if there is a lack of competition in the market for residential broadband, it is because the economics of the business are not attracting new capital to the space. It’s simply too difficult to make money here given current technology. If telco prices were too high and their profits too enticing, this wouldn’t be the case.”[[9]](#footnote-9) AT&T supports these claims by citing studies showing that investing in new networks is not only expensive, but might not pay off, even under a current regulatory environment. AT&T argues that if the FCC would add even more new regulations, it would further reduce the NPV of investment, causing ISPs to withhold building new networks, which would be overall worse for consumers.

AT&T’s 176-page rebuttal builds a strong case against the regulations specified in the FCC’s *Preserving the Open Internet* NPRM. AT&T carefully structures their arguments so that one stacks on top of one another, like how bricks are placed on top of each other to build a wall. If one argument is declared invalid, there are plenty more that keep the wall standing. First, AT&T claims that the rules are needless since there is no evidence of any real-world market failures. Then AT&T attacked the *ethos* of proponents, undermining their claims. AT&T then used *logos*, or data, to refute arguments. Even within *logos,* arguments are stacked on top of each other. Finally AT&T discusses how, even with flaws, the rules would be illegal under the current Communications Act. AT&T stacks these arguments on top of each other, so that even if the law was changed, AT&T’s arguments would still stand.

1. AT&T. Reply Comments of AT&T Inc. In the Matter of Preserving the Open Internet (GN Docket 09-191) and Broadband Industry Practices (WC Docket 07-52). 2010 April 26. Filed with the FCC. http://fjallfoss.fcc.gov/ecfs/comment/view?id=6015583073 http://fjallfoss.fcc.gov/ecfs/document/view?id=7020437381 [↑](#footnote-ref-1)
2. FCC. Notice of Proposed Rulemaking. FCC #09-03. In the Matter of Preserving the Open Internet (GN Docket 09-191) and Broadband Industry Practices (WC Docket 07-52). Adopted 22 Oct 2009. http://hraunfoss.fcc.gov/edocs\_public/attachmatch/FCC-09-93A1.doc [↑](#footnote-ref-2)
3. Latour, Bruno. Science in Action: How to Follow Scientists and Engineers through Society. Harvard University Press, Cambridge, Massachusetts. 15 Oct 1988. [↑](#footnote-ref-3)
4. Page 1. Page numbering used throughout this paper refers to printed page numbers; add 4 to get the PDF page number. [↑](#footnote-ref-4)
5. Page 9 [↑](#footnote-ref-5)
6. List of attachments http://fjallfoss.fcc.gov/ecfs/comment/view?id=6015583073 [↑](#footnote-ref-6)
7. Page 9 [↑](#footnote-ref-7)
8. Craig Moffett, “Verizon FiOS… Great for Consumers, but What About Investors,” Bernstein & Co.

2009 Jan 14. The paper is not easily available online, but the author found several articles quoting it. http://articles.businessinsider.com/2008-01-14/tech/30051156\_1\_fios-bundle-vz-shares-new-fiber

http://iep.gmu.edu/iepfiles/papers/Hazlett.Weisman.Broadband.SSRN-id1525568.pdf (page 29)

http://www.businessweek.com/magazine/content/11\_13/b4221046109606.htm [↑](#footnote-ref-8)
9. Quoted on page 13 [↑](#footnote-ref-9)